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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,640	10/24/2003	Joaquin Garcia Fink	13906-146001	8894

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EXAMINER

NGUYEN, QUYNH H

ART UNIT PAPER NUMBER

2642

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,640

Applicant(s)

FINK ET AL.

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1, 4, 6, 7, 9, and 17 are objected to because of the following informalities:
2. Claims 1, 9, and 17 recite the limitation "the routing of customer communications" in lines 4, 17, and 9, respectively, should be -- a routing of customer communications --.

Claims 6 in line 19 and claim 7 in line 5 and 7 recite the limitation "the work status indicator", should be -- a work status indicator --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Gechter et al. (U.S. Patent 5,274,700).

As to claim 1, Gechter et al. teach a system comprising:

a graphical user interface (col. 8, line 50 - *where Gechter discussed the CRT or other interactive display*) operative to indicate at least on of a plurality of availability states of an agent (col. 8, lines 44-51 - *where Gechter discussed agent states are visible to the agent at the CRT or other interactive display* and col. 9, lines 60-67 -

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where Gechter discussed unavailable state and col. 10, lines 7-9 - where Gechter discussed ready or available state); and

a routing system (*call router 18*) operative to control a routing of customer communications to the agent based on a current availability state (*READY state*) of the agent (col. 12, lines 22-26).

As to claim 2, Gechter et al. teach the customer communication comprises a telephone call (col. 12, lines 15-16 - *where Gechter discussed a caller or customer made a telephone call from telephone 12 of Fig. 1*).

As to claim 5, Gechter et al. teach the availability states include an available state (col. 10, lines 7-9 - *where Gechter discussed if the incoming caller disconnects will bring the agent back to the READY state, hence available state*) and an unavailable state (col. 9, lines 60-63).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gechter et al. (U.S. Patent 5,274,700) in view of Yoakum (Pub. No.: US2004/0125941).

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As to claims 3 and 4, Gechter et al. do not teach the customer communication comprises an electronic communication wherein the electronic communication comprises one of an email and a chat session.

Yoakum teaches the customer communication comprises an email (page 4, [0038], lines 9-10 - *where Yoakum discussed an incoming request arrives via email, hence the customer communication comprises an email*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of using email as one of the customer electronic communication, as taught by Yoakum, in Gechter's system thus making system more efficient by configuring the system to facilitate communications with the customers using different type of communication technologies, as discussed by Yoakum (page 1, [0007], lines 5-8).

7. Claims 6-10 and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gechter et al. (U.S. Patent 5,274,700) in view of McCalmont et al. (U.S. Patent 5,621,789).

As to claim 6, Gechter et al. teach an event handler 52 is operative to maintains transition the current availability state of the agent (col. 12, lines 24-28) to another one of the plurality of availability states in response to at least one of a selection by the agent (col. 9, lines 60-63), the end of a timeout period, an initiation of client communication, and a termination of a client communication.

However, Gechter et al. do not explicitly teach a work status indicator is operative to transition the current availability state of the agent to another one of the plurality of availability states in response to at least one of a selection by the agent, the end of a timeout period, an initiation of client communication, and a termination of a client communication.

McCalmont et al. teach a work status indicator (Fig. 5a, *control indicator 81*) is operative to transition the current availability state of the agent to another one of the plurality of availability states in response to at least one of a selection by the agent, the end of a timeout period, an initiation of client communication, and a termination of a client communication (col. 12, lines 4-16 - *where McCalmont discussed the agent clicks mouse control to turn AVAILABLE control indicator to indicate that he or she is ready to receive a call or initiate of client communication* and lines 62-67 - *where McCalmont discussed at termination of a client communication, the agent clicks AVAILABLE or REALEASE control indicator*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a visual work status indicator that is operative to transition the current availability state of the agent to another state, as taught by McCalmont, in Gechter's system thus making the system more efficient with visual color status indicator by permitting agents to easily control a variety of functions associated with the receiving and placing telephone calls, and transitioning from one availability state to another availability state, as discussed by McCalmont (col. 6, lines 26-30).

As to claim 7, Gechter et al. teach transitioning from an unavailable state (ACTIVE state) to the wrap up state after an agent completes a client communication session (col. 10, lines 44-45 - *where Gechter discussed when an agent is talking to a customer, he or she is in ACTIVE state or unavailable state*, and lines 48-54 - *where Gechter discussed when the call is terminated by the customer, transitions out of the unavailable state by pressing the WRAP-UP key, hence transitioning from an unavailable state to the wrap up state after an agent completes a client communication session*).

Gechter et al. do not teach a work status indicator transition from the wrap up state to the available state after predetermined time.

McCalmont et al. teach a work status indicator (Fig. 5a, *control indicator 81*), talk time indicator 91 shows the number of seconds spent in wrapping up a call (col. 6, lines 47-49, and average wrap-up times for an agent and a target or predetermined time (Fig. 6b, 112, 114 and col. 7, lines 5-7). Therefore, it would have been obvious that when an agent reached the target or predetermined time shown on the talk time indicator 91 or average wrap-up times appear for the agent in blocks 112 and 114, the agent will have to transition out of the wrap up state to an available state to receive telephone calls or sign off if it is at the end of the agent work scheduled.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a work status indicator transition from the wrap up state to the available state after predetermined time feature in Gechter's system in order to control the use of the wrap up state effectively, and the available indicator indicates

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whether the agent is available permits the agent to control answering in-bound calls, as discussed by McCalmont (col. 6, lines 26-30).

As to claim 8, Gechter et al. teach an amount of time the agent is in the current availability state (col. 13, lines 6-11 - *where Gechter discussed the event handler 52 sets a timer for an amount of 15 seconds, if an agent frees up during this time period, assigns an agent to one of the waiting calls*).

However, Gechter et al. do not teach a statistics indicator operative to indicate an amount of time the agent is in the current availability state.

McCalmont et al. teach a statistics indicator operative to indicate an amount of time the agent is in the current availability state (col. 13, lines 27-35 - *where McCalmont discussed agent window statistics 74 show percent idle time, hence indicating an amount of time the agent is in the current availability state*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a statistics indicator operative to indicate an amount of time the agent is in the current availability state, as taught by McCalmont, in Gechter's system thus improving call center distributing system by distributing call to agent who has the largest amount of idle time among agents that are currently in availability states.

As to claim 9, Gechter et al. teach a system comprising:

a graphical user interface (col. 8, line 50 - *where Gechter discussed the CRT or other interactive display*) operative to indicate at least one of a plurality of availability states of an agent (col. 8, lines 44-51 - *where Gechter discussed agent states are*

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visible to the agent at the CRT or other interactive display and col. 9, lines 60-67 - where Gechter discussed unavailable state and col. 10, lines 7-9 - where Gechter discussed ready or available state); and

a routing system (*call router 18*) operative to control a routing of customer communications to the agent based on a current availability state (*READY state*) of the agent (col. 12, lines 22-26).

However, Gechter et al. do not explicitly teach a work status indicator in a graphical user interface.

McCalmont et al. teach a work status indicator (Fig. 5a, *control indicator 81*) in a graphical user interface (col. 5, lines 22-30 and col. 6, lines 26-30 - *where McCalmont discussed control indicator 81 in window 76 of Fig. 5a, and this window controlled and operated under Microsoft Window GUI in a MS-DOS environment, hence a work status indicator in a graphical user interface*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a visual work status indicator in a graphical user interface, as taught by McCalmont, in Gechter's system thus making the system more efficient with visual color status indicator by permitting agents to easily control a variety of functions associated with the receiving and placing telephone calls and transitioning from one availability state to another availability state, as discussed by McCalmont (col. 6, lines 26-30).

As to claim 10, Gechter et al. teach the customer communication comprises a telephone call (col. 12, lines 15-16 - *where Gechter discussed a caller or customer made a telephone call from telephone 12 of Fig. 1*).

As to claim 13, Gechter et al. teach the availability states include an available state (col. 10, lines 7-9 - *where Gechter discussed if the incoming caller disconnects will bring the agent back to the READY state, hence available state*) and an unavailable state (col. 9, lines 60-63).

As to claim 14, the limitation of the claim is the same as the limitation of claim 6; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 6 above.

As to claim 15, the limitation of the claim is the same as the limitation of claim 7; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 7 above.

As to claim 16, the limitation of the claim is the same as the limitation of claim 8; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 8 above. Furthermore, McCalmont et al. teach a statistics indicator (Fig. 5b, window 74) in a graphical user interface (col. 5, lines 22-30 and col. 6, lines 26-30 - *where McCalmont discussed window 74 of Fig. 5b, and this window controlled and operated under Microsoft Window GUI in a MS-DOS environment, hence a statistic indicator in a graphical user interface*).

As to claim 17, the limitation of the claim is the same as the limitation of claim 9; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim

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9 above. Furthermore, Gechter et al. teach an article comprising a machine-readable medium including machine-executable instructions (col. 2, lines 44-49 and col. 3, lines 17-20 and col. 6, lines 41-58 and col. 7, lines 32-51 and col. 8, lines 1-9) to cause one or more machines to perform the steps of the claim.

As to claim 18, the limitation of the claim is the same as the limitation of claim 10; therefore, the claim is interpreted and rejected for the same reasons as set forth in claim 10 above.

8. Claims 11-12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gechter et al. (U.S. Patent 5,274,700) in view of McCalmont et al. (U.S. Patent 5,621,789) and further in view of Yoakum (Pub. No.: US2004/0125941).

As to claims 11 and 12, Gechter and McCalmont do not teach the customer communication comprises an electronic communication wherein the electronic communication comprises one of an email and a chat session.

Yoakum teaches the customer communication comprises an email (page 4, [0038], lines 9-10 - *where Yoakum discussed an incoming request arrives via email, hence the customer communication comprises an email*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of using email as one of the customer electronic communication, as taught by Yoakum, in Gechter's and McCalmont's systems thus making system more efficient by configuring the system to facilitate

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communications with the customers using different type of communication technologies, as discussed by Yoakum (page 1, [0007], lines 5-8).

As to claims 19 and 20, the limitation of the claim is the same as the limitation of claims 11 and 12; therefore, the claim is interpreted and rejected for the same reasons as set forth in claims 11 and 12 above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hamilton (U.S. Patent 6,801,613) teaches associating call appearance with data associated with call.

Atkinson et al. (U.S. Patent 6,782,087) teach desktop telephony application program for a call center agent.

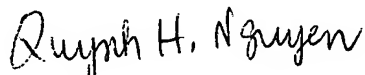
McIlwaine et al. (U.S. Patent 6,628,777) teach method and system for scheduled delivery of training to call center agents.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quynh H. Nguyen
Patent Examiner
Art Unit 2642